

Applicants: Rueger, *et al.*  
U.S.S.N.: 08/822,186 (parent case)  
Filed: herewith  
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## AMENDMENTS

Please make the following amendments to the application.

### In the Claims:

Please amend claims 1-4, 20, 23, and 26 as follows:

1. (Twice Amended) A device for inducing local bone or cartilage formation, comprising:

*D* *an*  
*osteogenic protein capable of inducing repair of endochondral bone, or cartilage, chondral, or osteochondral defects;*

*D* *[matrix derived from] non-synthetic, non-polymeric matrix [material] other than demineralized bone; and*

*D C I* *a*  
*binding agent.*

2. (Twice Amended) The device of claim 1, wherein said osteogenic protein is selected from the group consisting of: OP1, OP2, OP3, BMP2, BMP3, BMP4, BMP5, BMP6, BMP9, BMP10, BMP11, BMP12, BMP15, BMP16, DPP, Vg1, 60A protein, GDF-1, GDF3, GDF5, GDF6, GDF7, GDF8, GDF9, GDF10, GDF11, and conservative amino acid sequence variants [of each of the foregoing] thereof having substantially similar osteogenic activity.

*Suk G 2*  
3. (Twice Amended) The device of claim 1, wherein said osteogenic protein is selected from the group consisting of OP1, OP2, BMP2, BMP4, BMP5, BMP6, and conservative amino acid sequence variants thereof having substantially similar osteogenic activity.

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*C1*  
*Cont*

4. (Twice Amended) The device of claim 1, wherein said osteogenic protein comprises an amino acid sequence having at least 70% homology with the C-terminal 102-106 amino acids, including the conserved seven cysteine domain, of human OP1, said osteogenic protein capable of inducing repair of endochondral bone when implanted together with a matrix in a mammal.

*Sub*  
*DP*  
*C2*

20. (Amended) A device for inducing local cartilage or bone formation comprising osteogenic protein capable of inducing repair of endochondral bone, or cartilage, chondral, or osteochondral defects and a carrier, wherein said carrier comprises one part (w/w) binding agent to 10 parts (w/w) matrix.

*Sub*  
*DP*  
*C3*

23. (Amended) A device for inducing local bone or cartilage formation comprising osteogenic protein capable of inducing repair of endochondral bone, or cartilage, chondral, or osteochondral defects and a carrier, wherein said carrier comprises 10 parts (w/w) binding agent to 1 part (w/w) matrix.

26. (Twice Amended) A method for inducing local bone or cartilage formation at a defect site, comprising the step of:

*C4*

providing the device of claim 1, 17, 20 or 23 to said defect site,  
whereby providing said device to said defect site induces repair of endochondral bone, or cartilage, chondral, or osteochondral defects at said defect site.

#### REMARKS

In the Office Action mailed from the Patent Office on August 4, 1998 in U.S.S.N. 08/822,186, the parent application, claims 1-33, 35 and 36 were pending. Claims 2-4 were rejected under 35 U.S.C. § 112, first paragraph. Claims 26-30 and 34 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-4, 6-15, and 20-25 were rejected under 35 U.S.C. §